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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BRIER, JEFFERY A	

ART UNIT	PAPER NUMBER
2628	

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09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/776,389	VENOLIA, DANIEL SCOTT	
	Examiner	Art Unit	
	Jeffery A. Brier	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-41,44-56,58-61 and 63-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-41,44-56,58-61 and 63-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 6/21/2007 has been entered. The amendment to the specification overcomes the objection to the specification set forth in the office action mailed on 3/20/2007. The amendments to claims 31-35 and 70-75 overcomes the 35 USC 101 and 112 first paragraph rejection of these claims set forth in the office action mailed on 3/20/2007. The amendments to the claims overcomes most of the 112 second paragraph issues raised in paragraph 11 at pages 9-11 set forth in the office action mailed on 3/20/2007 with the exception of the issue raised on page 11. The amendments to the claims overcomes most of the essential claim limitation issue set forth in the office action mailed on 3/20/2007, however, they need adjustment in view of the below discussion of claims 26-41, 44-56, 58-61, and 63-81. In view of the amendments concerning remapping an obvious type double patenting rejection between three parent patents is now required.

Response to Arguments

2. Applicant's arguments at pages 21 and 22 concerning claims 65-67, 71-73, and 77-79 filed 6/21/2007 have been fully considered but they are not persuasive because in view of page 18 lines 21-31 the argued description at page 19 lines 1-5 remaps the mouse from cursor control to parameter control rather allowing for the argued process to occur. Therefore, the 35 USC 112 second rejection based upon this issue is maintained and reproduced below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-41, 44-56, 58-61, and 63-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 41 and 44-51:

In claim 41 at the last line "the cursor" lacks antecedent basis because previously "a cursor positioning device" was claimed which is different that the claimed "the cursor".

Claims 65-67, 71-73, and 77-79:

Each of independent claims 64, 70, and 76 claim "performing simultaneously" while dependent claims 65, 71, and 77 claim when a cursor is in the first region the first user element is controllable and when a cursor is in the second region the second user element is controllable. Thus, in claims 65, 71, and 77 it is not clear how the first and second parameters are adjusted simultaneously when the cursor can only control one of the first and second parameters.

Claims 28-30, 33-35, and 38-40:

These claims do not clearly claim the remapping which were added to parent claims 26, 31, and 36 with regard to adjusting a second parameter.

Claims 26-41, 44-56, 58-61, and 63-81:

The previous office action in paragraph 9 stated "Remapping of the mouse from cursor control to parameter control is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). ". Applicant subsequent to the rejection amended the independent claims to claim remapping, however, they do not clearly claim the type of remapping being claimed. The independent claims need to clearly claim remapping of the mouse from cursor control to parameter control. Applicants specification describes a displayed graphical user interface where mouse X and Y movement controls cursor X and Y location and where after the mouse X and Y movements are remapped, the cursor is no longer controlled by mouse movements. When the cursor is decoupled from mouse movements then diagonal X and Y movement of the mouse will simultaneously adjust the scale and the position of the access to the data at the selected scale. Thus, the claimed limitations in claims 26-40 "first component", "second component", and "adjusting a first parameter ... the graphical user interface according to the first component of the input ... wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data", the claimed limitation in claims 41 and 43-51 "changing simultaneously the scale while moving the range over different portions of the data field ... remapping movement of the cursor positioning device ... remapping of the cursor...", the claimed limitation in claims 52-55 "decreasing the scale ... while simultaneously moving the range ... remapping an input ...", the claimed limitations in claims 56, 58, and 59

"simultaneously selecting the scale while moving the range over different portions of the data field ... remapping movement of an input device ...", the claimed limitations in claims 60-61 "selecting a position of access... according to input form the input device with relation to a second axis ... of the input device while the first degree freedom of the input device controls said selecting the scale ... remapping the input from the input device ...", the claimed limitations in claim 63 "moving the data field ... said moving controlled by a second degree of freedom of the input device in a second interface element of the graphical user interface while the first degree of freedom of the input device controls the first interface element ... remapping input from the input device ...", and the claimed limitations in claims 64-81 "performing simultaneously" and "adjusting continuously ... remapping the first component of the input ... remapping the second component of the input ..." now more clearly claim that a graphical user interface is interacted with by the user to control the resolution of the range and the position in the range. According to the specification at page 4 lines 2-9, page 5 lines 3-13, page 11 lines 6-23, page 12 lines 6-23, page 13 lines 1-11, page 14 lines 4-16 and 26-31, page 17 lines 14-25, and page 19 lines 1-8 and 20-26 this can only be performed after the mouse movement is remapped from cursor control to controlling the claimed parameters. This is essential because applicant did not describe how in a graphical user interface environment to simultaneously control two parameters controlled by the graphical user interface without remapping the mouse from cursor control to parameter control. The remapping of these claims due to the claiming of graphical user interface needs to correlate to the remapping from cursor control to parameter control discussed

at applicants specification at page 18 line 21 to page 20 line 22. Dependent claims 50, 58, and 59 do not clearly claim the remapping described in the specification. Therefore, the metes and bounds of the claims are unclear as to the type of remapping being claimed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 26, 28, 31, 33, 36, 38, 41, 44-61, 63, 64, 68, 70, 74, 76, and 80 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-10 of U.S. Patent No. 6,061,062. Although the conflicting claims are not identical, they are not patentably distinct from each other

because both the patented claims and the pending claims claim the remapping, however, the pending claims are broader than the patented claims. The following table corresponds the patented claims to the pending claims.

Patent		1, 8	3, 9							
Application	Method claim	26	28							
	Computer readable claim	31	33							
	System claim	36	38							
Patent		1, 8	3	3	3	4	5	5	6	7
Application	Method claim	41	44	45	46	47	48	49	50	51
Patent		1, 8	7, 9	7, 9	7, 10					
Application	Method claim	52	53	54	55					
Patent		1, 8	7, 9	5						
Application	Apparatus claim	56	58	59						
Patent		1, 8	7, 9							
Application	Method claim	60	61							
Patent		1, 8								
Application	Method claim	63								
Patent										
Application	Method claim	64	68							
	Computer readable claim	70	74							
	System claim	76	80							

The patented method claims and system claims both claim the same functions which is also the case with two sets of applicants method, system, and computer readable claims. Pending method claim 26 will be compared to patented method claim 8. Pending system claim 36 will be compared to patented system claim 1. The pending computer readable claims would have been obvious in view of the patented method and system claims because they all claim the same function and only differ by type of claim and scope of claim. The portions of the claims concerning remapping have been underlined.

Patented claim 8	Pending claim 26
8. A method of implementing a single input device for controlling movement of a cursor displayed on a computer and for controlling access of a particular piece of data within a data field displayed by a computer system, said method comprising the steps of:	26. (Currently Amended) A method to implement a graphical user interface on a data processing system having an input device and a display device, the method comprising:
positioning a moveable cursor to a location on a display screen in response to movement of said input device when a signal supplied by said input device is in a first state;	receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising:
	a first component which indicates a component of the movement in a first degree of freedom of the input device, and a second component which indicates a component of the movement in a second degree of freedom of the input device; and
when said signal is in a second state:	
<u>remapping control of said input device, wherein movement of said input device controls both a resolution and a range of said data field for display on said display</u>	

screen rather than positioning said moveable cursor; selectively varying said resolution at which said data field is displayed responsive to movement of said input device in a first axis, wherein continuous movement of said input device in said first axis continuously changes said resolution; controlling said range of the data field for display in response to movement of said cursor positioning device in a second axis, wherein continuous movement in the second axis continually causes different ranges of the data field to be displayed; moving said cursor positioning device in the first and second axes to simultaneously vary said resolution and said range of display, until the particular piece of data is accessed.	adjusting a first parameter corresponding to a scale of data, under control of a first user interface element of the graphical user interface according to the first component of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a range of the data displayed by another user interface element of the graphical user interface to be adjusted based on a value of the first parameter, wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data.

Patented claim 1	Pending claim 36
1. In a computer system, a method for accessing a data field comprising the steps of;	36. (Currently Amended) A data processing system to implement a graphical user interface, the data processing having an input device and a display device, the data processing system comprising:

positioning a moveable cursor to locations on a display screen in response to movement of a cursor positioning device;	means for receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising: a first component which indicates a component of the movement in a first degree of freedom of the input device, and a second component which indicates a component of the movement in a second degree of freedom of the input device; and
remapping control of said cursor positioning device from controlling a position of said moveable cursor to controlling both a scale and a segment of said data field for display on said display screen, wherein said cursor positioning device performs a dual function of controlling movement of said cursor and controlling said scale and said segment, depending on a signal indicated by a switch; when control of said cursor positioning device is remapped:	
increasing said scale at which the data field is displayed according to movement of said cursor positioning device in a first direction of a first axis, wherein sustained movement of said cursor positioning device in said first direction of said first axis continuously increases said scale at which said segment of said data field is displayed; decreasing the scale at which said data field is displayed according to movement of said cursor positioning device in a second direction in the first axis, wherein continuous movement of said cursor positioning device in said second direction of said first axis continuously decreases said scale at which said segment of said	means for adjusting a first parameter corresponding to a scale of data, under control of a first user interface element of the graphical user interface according to the first component of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a range of the data displayed by another user interface element of the graphical user interface to be adjusted based on a value of the first parameter, wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data.

data field is displayed; controlling which segment of the data field is displayed according to movement of said cursor positioning device in a second axis, wherein continued movement of said cursor positioning device relative to said second axis causes successive segments of said data field to be displayed at the scale which is selected by movement of said cursor positioning device in said first axis.	

From the above comparisons it is clear that the pending claims are broader versions of the patented claims since the pending claims do not claim from which process the remapping is from while the patented claims claimed the remapping is from cursor control mode. Broader versions of patented claims are an obvious way for applicant to claim the same thing patented. *In re Vogel*, 422 F.2d 438, 164 USPQ 619, 623 (CCPA 1970). Vogel stated on page 623 "*The answer to the second analysis question, therefore, is yes, and the claim is not allowable in the absence of a terminal disclaimer. The correctness of this conclusion is demonstrated by observing that claim 10, by reciting "meat," includes pork. It is further noted that viewing the inventions in reverse order, i.e. as though the broader claims issued first, does not reveal that the narrower (pork) process is in any way unobvious over the broader (meat) invention disclosed and claimed in the instant application.*". Thus, this application's broader claims are not unobvious over the above identified patented claims.

Another relevant CAFC decision is In re Braat (CA FC 1991) 19 USPQ2d 1289. Braat stated on page 1292 "*The following are excerpts from the Board's opinion: We*

agree with and sustain the rejection of claims 8, 9, 10, 13, 15, 16 and 17 on the basis of double patenting with respect to claims 5/1 and 6/1 of the Dil patent. The claims here being broader than claims 5/1 and 6/1 in the Dil Patent, the double patenting rejection is of the type created by the courts to prevent unjustified timewise extension of the right to exclude granted by a patent no matter how the exclusion [sic, extension] is brought about. See In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982)." Braat also stated on page1293 first full paragraph "*The only difference between the claims of Braat and claims 5/1 and 6/1 of Dil is the omission of the requirement in the claims of Dil of information areas having side walls which are angled at a particular angle, and we do not think that omission of such a limitation in the present case would constitute an unobvious modification.*"

Thus, the omission of the cursor control mode from the claims is considered an obvious modification.

7. Claims 26, 28, 31, 33, 36, 38, 41, 44, 52-56, 58, 60, 61, 63, 64, 68, 70, 74, 76, and 80 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5, 6, and 7 of U.S. Patent No. 6,366,303. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the patented claims and the pending claims claim the remapping, however, the pending claims are broader than the patented claims. The following table corresponds the patented claims to the pending claims.

Patent		1, 5	1, 5		
Application	Method claim	26	28		
	Computer readable claim	31	33		
	System claim	36	38		
Patent		1, 5	1, 5		
Application	Method claim	41	44		
Patent		1, 5	2, 6	2, 6	3, 7
Application	Method claim	52	53	54	55
Patent		1, 5	2, 6		
Application	Apparatus claim	56	58		
Patent		1, 5	2, 3, 6, 7		
Application	Method claim	60	61		
Patent		1, 5			
Application	Method claim	63			
Patent		1, 5	1, 5		
Application	Method claim	64	68		
	Computer readable claim	70	74		
	System claim	76	80		

The patented method claims and computer readable claims both claim the same functions which is also the case with two sets of applicants method, system, and computer readable claims. Pending method claim 26 will be compared to patented method claim 1. Pending computer readable claim 31 will be compared to patented computer readable claim 5. The pending system claims would have been obvious in

view of the patented method and computer readable claims because they all claim the same function only differing by type of claim and scope of claim.

Patented claim 1	Pending claim 26
1. A method of implementing a single input device for controlling movement of a cursor displayed on a data processing system and for controlling access of a particular piece of data within a data field displayed by the data processing system, said method comprising:	26. (Currently Amended) A method to implement a graphical user interface on a data processing system having an input device and a display device, the method comprising:
positioning a moveable cursor to a location on a display screen in response to movement with said input device when a signal supplied by said input device is in a first state;	receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising: a first component which indicates a component of the movement in a first degree of freedom of the input device, and a second component which indicates a component of the movement in a second degree of freedom of the input device; and
when said signal is in a second state, remapping control of said input device, wherein movement with said input device controls both a resolution and a range of said data field for display on said display screen;	
selectively varying said resolution at which said data field is displayed responsive to movement with said input device in a first axis, wherein movement with said input device in said first axis changes said resolution;	adjusting a first parameter corresponding to a scale of data, under control of a first user interface element of the graphical user interface according to the first component of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a range of the data displayed by

	another user interface element of the graphical user interface to be adjusted based on a value of the first parameter, wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data.
controlling said range of the data field for display in response to movement with the input device in a second axis, wherein movement in the second axis causes different ranges of the data field to be displayed; moving the input device in the first and second axes to simultaneously vary said resolution and said range of display, until the particular piece of data is accessed.	

Patented claim 5	Pending claim 31
5. A machine readable medium which stores executable program instructions which when executed cause a digital processing system to perform a method of implementing a single input device for controlling movement of a cursor displayed by the digital processing system and for controlling access of a particular piece of data within a data field displayed by the digital processing system, said method comprising:	31. Currently Amended) A computer readable medium embodying computer readable instructions, said computer readable instructions causing a computer having an input device and a display device to perform a method to implement a graphical user interface, the method comprising:
positioning a moveable cursor to a location on a display screen in response to movement with said input device when a signal supplied by said input device is in a first state;	receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising: a first component which indicates a component of the movement in a first degree of freedom of the input device, and

	a second component which indicates a component of the movement in a second degree of freedom of the input device; and
when said signal is in a second state, remapping control of said input device, wherein movement with said input device controls both a resolution and a range of said data field for display on said display screen;	
selectively varying said resolution at which said data field is displayed responsive to movement with said input device in a first axis, wherein movement with said input device in said first axis changes said resolution;	adjusting a first parameter corresponding to a scale of data, under control of a first user interface element of the graphical user interface according to the first component
controlling said range of the data field for display in response to movement with the input device in a second axis, wherein movement in the second axis causes different ranges of the data field to be displayed;	of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a range of the data displayed by another user interface element of the graphical user interface to be adjusted based on a value of the first parameter, wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data.
moving the input device in the first and second axes to simultaneously vary said resolution and said range of display, until the particular piece of data is accessed.	

From the above comparisons it is clear that the pending claims are broader versions of the patented claims since the pending claims do not claim from which process the remapping is from while the patented claims claimed the remapping is from cursor control mode. Broader versions of patented claims are an obvious way for applicant to claim the same thing patented. *In re Vogel*, 422 F.2d 438, 164 USPQ 619, 623 (CCPA 1970). Vogel stated on page 623 "*The answer to the second analysis question, therefore, is yes, and the claim is not allowable in the absence of a terminal*

disclaimer. The correctness of this conclusion is demonstrated by observing that claim 10, by reciting "meat," includes pork. It is further noted that viewing the inventions in reverse order, i.e. as though the broader claims issued first, does not reveal that the narrower (pork) process is in any way unobvious over the broader (meat) invention disclosed and claimed in the instant application.". Thus, this application's broader claims are not unobvious over the above identified patented claims.

Another relevant CAFC decision is In re Braat (CA FC 1991) 19 USPQ2d 1289. Braat stated on page 1292 "*The following are excerpts from the Board's opinion: We agree with and sustain the rejection of claims 8, 9, 10, 13, 15, 16 and 17 on the basis of double patenting with respect to claims 5/1 and 6/1 of the Dil patent. The claims here being broader than claims 5/1 and 6/1 in the Dil Patent, the double patenting rejection is of the type created by the courts to prevent unjustified timewise extension of the right to exclude granted by a patent no matter how the exclusion [sic, extension] is brought about. See In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982).*" Braat also stated on page1293 first full paragraph "*The only difference between the claims of Braat and claims 5/1 and 6/1 of Dil is the omission of the requirement in the claims of Dil of information areas having side walls which are angled at a particular angle, and we do not think that omission of such a limitation in the present case would constitute an unobvious modification.*"

Thus, the omission of the cursor control mode from the claims is considered an obvious modification.

8. Claims 26, 28, 31, 33, 36, 38, 41, 44, 45, 46, 52-56, 58, 60, 61, 63, 64, 68, 70, 74, 76, and 80 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 19, 21, and 22 of U.S. Patent No. 6,778,195. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the patented claims and the pending claims claim the remapping, however, the pending claims are broader than the patented claims. The following table corresponds the patented claims to the pending claims.

Patent		1, 6 9, 14, 17, 22	1, 6 9, 14, 17, 22		
Application	Method claim	26	28		
	Computer readable claim	31	33		
	System claim	36	38		
Patent		1, 6 9, 14, 17, 22	1, 6 9, 14, 17, 22	2 10 18	3 11 19
Application	Method claim	41	44	45	46
Patent		1, 6 9, 14, 17, 22	5 13 21	5 13 21	5 13 21
Application	Method claim	52	53	54	55
Patent		1, 6 9, 14, 17, 22	5 13 21		
Application	Apparatus claim	56	58		
Patent		1, 6	5		

		9, 14, 17, 22	13 21		
Application	Method claim	60	61		
Patent		1, 6 9, 14, 17, 22			
Application	Method claim	63			
Patent		1, 6 9, 14, 17, 22	1, 6 9, 14, 17, 22		
Application	Method claim	64	68		
	Computer readable claim	70	74		
	System claim	76	80		

The patented method claims, system claims, and computer readable claims both claim the same functions which is also the case with two sets of applicants method, system, and computer readable claims. Pending method claim 26 will be compared to patented method claim 1. Pending computer system claim 36 will be compared to patented system claim 17. Pending computer readable claim 31 will be compared to patented computer readable claim 9.

Patented claim 1	Pending claim 26
1. A method for accessing a data field in a data processing system, the method comprising: when the data processing system is in a first mode: positioning a cursor to locations on a display screen in response to movement of an input device;	26. (Currently Amended) A method to implement a graphical user interface on a data processing system having an input device and a display device, the method comprising:

receiving a signal to enter into a second mode; when the data processing system is in the second mode: remapping control of the input device to control both a scale and a position, the scale and the position specifying a portion of the data field for access; adjusting the scale according to movement of the input device along a first axis; and adjusting the position according to movement of the input device along a second axis.	

Patented claim 17	Pending claim 36
17. A data processing system to control access to a data field, the system comprising:	36. (Currently Amended) A data processing system to implement a graphical user interface, the data processing having an input device and a display device, the data processing system

means for positioning a cursor to locations on a display screen in response to movement of an input device when the data processing system is in a first mode;	comprising:
means for receiving a signal to enter into a second mode;	means for receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising: a first component which indicates a component of the movement in a first degree of freedom of the input device, and a second component which indicates a component of the movement in a second degree of freedom of the input device; and
means for remapping control of the input device to control both a scale and a position when the data processing system is in the second mode, the scale and the position specifying a portion of the data field for access; means for adjusting the scale according to movement of the input device along a first axis when in the second mode; and means for adjusting the position according to movement of the input device along a second axis when in the second mode.	means for adjusting a first parameter corresponding to a scale of data, under control of a first user interface element of the graphical user interface according to the first component of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a range of the data displayed by another user interface element of the graphical user interface to be adjusted based on a value of the first parameter, wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data.

Patented claim 9	Pending claim 31
9. A machine readable medium containing executable computer program instructions which when executed by a data processing system cause said system to perform a method for accessing a data field in the data processing system, the method comprising:	31. Currently Amended) A computer readable medium embodying computer readable instructions, said computer readable instructions causing a computer having an input device and a display device to perform a method to implement a graphical user interface, the method comprising:
when the data processing system is in a first mode: positioning a cursor to locations on a display screen in response to movement of an input device;	
receiving a signal to enter into a second mode;	receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising:
	a first component which indicates a component of the movement in a first degree of freedom of the input device, and a second component which indicates a component of the movement in a second degree of freedom of the input device; and
when the data processing system is in the second mode: remapping control of the input device to control both a scale and a position, the scale and the position specifying a portion of the data field for access;	adjusting a first parameter corresponding to a scale of data, under control of a first user
	interface element of the graphical user interface according to the first component
adjusting the scale according to movement of the input device along a first axis; and	of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a range of the data displayed by another user interface element of the graphical user interface to be adjusted based on a value of the first parameter, wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of

adjusting the position according to movement of the input device along a second axis.	data.

From the above comparisons it is clear that the pending claims are broader versions of the patented claims since the pending claims do not claim from which process the remapping is from while the patented claims claimed the remapping is from cursor control mode. Broader versions of patented claims are an obvious way for applicant to claim the same thing patented. *In re Vogel*, 422 F.2d 438, 164 USPQ 619, 623 (CCPA 1970). Vogel stated on page 623 "*The answer to the second analysis question, therefore, is yes, and the claim is not allowable in the absence of a terminal disclaimer. The correctness of this conclusion is demonstrated by observing that claim 10, by reciting "meat," includes pork. It is further noted that viewing the inventions in reverse order, i.e. as though the broader claims issued first, does not reveal that the narrower (pork) process is in any way unobvious over the broader (meat) invention disclosed and claimed in the instant application.*". Thus, this application's broader claims are not unobvious over the above identified patented claims.

Another relevant CAFC decision is In re Braat (CA FC 1991) 19 USPQ2d 1289. Braat stated on page 1292 "*The following are excerpts from the Board's opinion: We agree with and sustain the rejection of claims 8, 9, 10, 13, 15, 16 and 17 on the basis of double patenting with respect to claims 5/1 and 6/1 of the Dil patent. The claims here being broader than claims 5/1 and 6/1 in the Dil Patent, the double patenting rejection is of the type created by the courts to prevent unjustified timewise extension of the right to*

exclude granted by a patent no matter how the exclusion [sic, extension] is brought about. See In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982)." Braat also stated on page1293 first full paragraph "*The only difference between the claims of Braat and claims 5/1 and 6/1 of Dil is the omission of the requirement in the claims of Dil of information areas having side walls which are angled at a particular angle, and we do not think that omission of such a limitation in the present case would constitute an unobvious modification.*"

Thus, the omission of the cursor control mode from the claims is considered an obvious modification.

Allowable Subject Matter

9. Claims 26-41, 44-56, 58-61, and 63-81 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and if a proper terminal disclaimer is filed with regards to US Patents 6,061,062; 6,366,303; and 6,778,195. The prior art of record fails to teach or suggest remapping the user input indicating movement:

from cursor control mode to scale and range mode, see claims 41, 52, and 56;

from cursor control mode to scale and position mode, see claim 60 and 63;

from cursor control mode to adjusting first and second parameter mode, see claims 64, 70, and 76; or

from cursor control mode to scale and change in parameter value according to the scale mode, see claims 26, 31, 36, 125 and 135.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628